

PLANNING COMMISSION MINUTES

September 1, 1999

CALL TO ORDER: Chairman Maks called the meeting to order at 7:00 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Chairman Dan Maks; Planning Commissioners Tom Wolch, Vlad Voytilla, Sharon Dunham, and Don Kirby. Charles Heckman was excused.

Staff were represented by Associate Planner Jeff Salvon;; Senior Planner Alan Whitworth, Development Services Manager Irish Bunnell, and Recording Secretary Cheryl Gonzales.

NEW BUSINESS:

PUBLIC HEARINGS

A. CPA99-00004/RZ99-00004 TRI-MET LIGHT RAIL AND REZONE

This proposal is to reassign Washington County's planning designations to City Comprehensive Plan and Zoning designations for forty-six newly annexed properties located within or adjacent to the westside lightrail right-of-way. The sites are located in or adjacent to the westside max right-of-way. The sites are within various County zones and are approximately 133 acres in size. Map & Tax Lots include:

1S106DA00300, 1S106DA00400, 1S106DB00601, 1S102C004100, 1S105CB05101,
1S105CC00405, 1S110AA00104, 1S102CD00100, 1S1080002500, 1S1090000900,
1S102DC04302, 1S102DC03100, 1S102DC03200, 1S102DC03201, 1S111BB00405,
1S101CD00100, 1S102DD01900, 1S110AD02300, 1S110AD02301, 1S110AD02302,
1S102DC00101, 1S102DC00301, 1S102DD00702, 1S102DD02901, 1S102DD03000,
1S110AD02403, 1S111BB04200, 1S101CD01101, 1S102CD01500, 1S111BB01300,
1S110AA00103, 1S1090000508, 1S101CC02601, 1S106DD01100, 1S106DD01200,
1S106DD00700, 1S106DD00800, 1S106DD00900, 1S111BB00100, 1S111BB00200,
1S111BB00402, 1S111BB03400, 1S106DD01000, 1S102DC00200, 1S111BB00300, &
1S110AA00100

Chairman Maks opened the public hearing and read the format for the meeting. There were no disqualifications of Planning Commissions members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items.

Staff Report was presented by Mr. Jeff Salvon. The proposal was a comprehensive plan amendment and rezone for two recent annexations: The first was Tri-Met ROW (Right-of-Way) rezone which consisted of 46 properties, all public except for one church; it became effective on February 11, 1999. The second was the Home Depot/Public annexation which consisted of 15 properties, all public with the exception for one church and two properties. The methodology used for selecting which zones were appropriate for the annexation was administrative in nature. These followed the guidelines as they specified in the UPAA (Urban Planning Area Agreement) between the City and the County. Where there were no specifications, staff referred to Metro's guidelines, its design types, recommending that the City use the multiple use district zoning. Metro's guidelines were also applied in cases where parcels were not zoned at all by the County, because they were considered right-of-way.

Special policies were observed which had been assigned to some properties. Recommendations included assigning some of the more open spaces as parks and schools, a comprehensive plan amendment designation. This also covered a bike plan and the local wetland riparian inventory so as to preserve some of the significant resources on those lands. It was also provided that future development observe these same requirements in conformance with the special policies as they were means of protection.

In applying Metro's design type, recommended average densities and in applying the zoning from the UPAA, density recommendations were not met. Instead, the properties were held exempt from meeting the specifications as many were public properties, consisting of schools and parks. Others were considered unbuildable due to shape, size, grading, or they had public utilities on them. Chairman Maks at this time limited the staff report to Tri-Met, the first agenda item.

Chairman Maks asked how these parcels were initially annexed, what was driven? Mr. Salvon answered that it was primarily a result of the Beaverton Police Department requiring jurisdiction over that land, to be able to monitor the light rail. Also the counties had wanted to get out of the urban services business, turning jurisdiction over to the cities, thus increasing their urban services boundaries. Consequently, the public properties along with that right-of-way were annexed as a gesture to the County that the City was making an attempt in that direction.

Chairman Maks questioned the right-of-way process as opposed the Home Depot type of annexation process where the individual actually petitioned for annexation. He noted there was a large number of properties spread out over the area. The process to gather these together then began as a jurisdictional issue with the Beaverton Police and Washington County Sheriff; then right-of-way. The light rail was right-of-way. Mr. Salvon also indicated there was an area of right-of-way over by the Merlot station area.

Mr. Salvon stated he had copies of the UPAA available.

Commissioner Wolch commented that it was his understanding when a street came into the City, it was through the County surveyor. He asked why would the light rail right-of-way be treated differently than a street. Mr. Salvon responded that those were actual parcels, not right-of-way per se'.

Chairman Maks opened the hearing to public testimony with regard to CPA99-00004/RZ99-00004.

RICHARD MOSS, 9625 SW Inglewood Street, Portland, OR 97225, Cedar Hills Homeowners Association. His position on the issue was "confused". He stated his neighborhood had received a letter from the City of Beaverton with big numbers and government gobbledygook. They had no idea what they were doing here; no clue about the annexation. Their concern was the Ridgewood area, the schools and the park, a solitary park. Telephone calls were made to Tri-Met, City of Beaverton, the planning person whose name was on the letter. He discovered his house was not involved after taking two days to figure out the map, which turned out to be incorrect. Instead, it was the woods, the school, the small park. He addressed the issue of notification. The letter was very difficult to read and discern by the homeowners what was going on. It should have explained what the action would mean for them. As it was, the homeowners could not even propose questions that would be applicable to the content. He stated they were in the dark.

Cedar Hills Homeowners have had attorneys going over this. Everyone was puzzled with regard to all the parcels of land. They were unsure if there was in fact anything they could do. Mr. Moss' concern was the rezone relating to schools and parks. Were they going to lose their park, have condos built on the land? Was this the first increment in a change that looked okay for the school and park but five years from now, there would be high density housing because it was right-of-way? Their neighborhood would be ruined. He noted this was a sacred place for people with the woods, the stream in the Ridgewood Vista Hills area. It was a beautiful area. People had brought the ashes of their deceased pets and spread them there. They were at a loss as to how to address the concerns. This was a very serious matter. The primary grievance was the fact that they had received ten pages which was unintelligible to most people; it was a mystery.

Chairman Maks, to belay the confusion and frustration, stated the Commission members were not government folks either. From the dialog, there were three issues of concern: the park, the elementary school, density change and the notification. He stated the notification unfortunately did not meet legal requirements, state requirements, state legislative requirements, but as a public citizen, he agreed with Mr. Moss' perceptions of them being difficult to discern. Chairman Maks stated further the notifications were written by attorneys adhering to the legal requirements.

Regarding the park concerns, parks within Washington County and the City of Beaverton fell within the Tualatin Hills Park and Recreation District (THPRD) who provide the care and maintenance of those parks. Nothing has changed. Mr. Moss asked if they could sell those parks; Chairman Maks answered they could.

Chairman Maks stated this was the same with the schools. The schools in the Beaverton School District, within Washington County and the City of Beaverton, were the jurisdiction of the Beaverton School District. This annexation did not effect whether that school was going to open, expand, close, etc. It was all within the purview of the Beaverton School District.

Regarding the density change, there was no density change. Staff did mention an agreement, the UPAA. When a property goes from Washington County's realm into the City of Beaverton, there was a chart that had been adopted by both governmental agencies, through inter-governmental agreement; both the Washington County Commissioners and the City of Beaverton City Council; it stated if this property was this in Washington County, it would have to be this in Beaverton. If it was an R4 in Washington County, it would have to rezone to Beaverton's version of R4. Summarily, there had been no change through this present process at this present time, in the density. It was all done by UPAA. With regard to this process, it did not effect who covers the parks or schools. It, essentially, has not changed the density.

Chairman Maks asked if there were any additions to that? The exception was the mixed use and institutional designations. But there were definite density allowances. But in essence, stated Chairman Maks, there was no increase in density. By density it was meant the number of houses that can be put in a given area.

Chairman Maks discussed the fact that there was always the possibility of changes occurring in a parcel. If the parcel was close to Mr. Moss, notification was 500 feet and he could become part of that hearing process.

Mr. Moss asked the purpose of all this. Chairman Maks responded that Washington County and the City of Beaverton wanted to work together to cover these areas that were within Tri-Met.

MARY SANNA, 9580 SW Ardenwood, Portland, OR 97225. She stated that she had also received in the mail the very complicated piece of literature. To a lay person, trying to understanding the parceling lots was very confusing. Also the part about Tri-Met buying a particular parcel that she was very interested in that is next to Ridgewood. It was hard to understand what Tri-Met was doing. She had just found out today, that this hearing was being held. Her concern in that area was the park, the treeline, the open space, the tennis courts with the water system. Down the road, was another building and another empty gas

station, an empty lot, not being used. She asked why that lot couldn't be used and not go after the green space.

Chairman Maks stated this was Tri-Met and was not within the Commission's purview or the issue in front of them this evening.

Mr. Salvon commented that no property has changed ownership here. Tri-Met had not acquired any additional property. It was called the Tri-Met annexation because of having received a letter from Tri-Met agreeing to petition for this action. The property owners remained the same, it was just a matter of jurisdictions changing over. Chairman Maks confirmed that property ownership with regard to the property had not changed.

Ms. Sanna asked if the green space next to Ridgewood School, was going to be developed. Mr. Salvon responded, no. She stated that that lot was not on that very complicated letter she received in the mail. Chairman Maks commented that this area (the open space, the trees) was, previous to being annexed, was nine months ago was called unincorporated Washington County. He explained that what this process was doing was placing this piece of property in the City of Beaverton. No ownership had changed, no land use designation had changed, no development application was in front of the Commission to do anything to that property.

Mr. Salvon stated that he had received many phone calls on this. The problem was the title, Tri-Met ROW annexation, the ROW standing for right-of-way. However, due to the omission of three small periods following each letter, it misled property and homeowners who thought row housing was slated for that property. Ms. Sanna stated this was her main concern.

Chairman Maks copy did not have this in his paperwork. He confirmed at this present time, this process would not do anything to that property.

Mr. Salvon commented as another assurance that this park is owned by THPRD and it was in their master plan which was a form of guarantee that they have an interest in maintaining that land. It was a part of their holdings.

Chairman Maks stated that this was what he was trying to explain to Mr. Moss, that the park area was still owned by the same people, run by the same people, managed by the same people.

Ms. Sanna stated then it was not slated for row housing.

Chairman Maks, for the City of Beaverton, apologized for the ROW and how it would mislead people into the wrong interpretation.

THOMAS E. NIEHUSER, 2200 SW Warwick Avenue, Portland, OR 97225. He stated he was also confused and had a question concerning the documentation, specifically Table #4, Tri-Met Metro Functional Plan/City Plan Density Comparison. It was on page 15 of the Staff Report. His question was on the meaning of the middle column, Metro Recommended Average Density, did the 14, or 45 persons per acre, mean households or persons in the case this was sold.

Mr. Salvon explained Metro's urban functional plan which identified certain design types, also known as land use types. For each type there was recommended a certain density. The column not only represented residents, but also employees per acre. Their interest was in increasing densities in certain areas. Parks were not included in their model and so the City was justified in not having to meet this density requirement. In the case of Tri-Met, the City followed the UPAA almost to the letter.

Chairman Maks added that this was almost administerial. Washington County and City of Beaverton had an agreement regarding annexation explained earlier. As an example, in Washington County there was an R7 zone and in the City of Beaverton there was an R7 zone. In Washington County an R7 zone meant 7 units per acre. The R7 zone when annexed into the City of Beaverton by the UPAA, would come in at an R5. But R5 in the City of Beaverton meant a minimum lot of 5000 square feet which equated to 7 units per acre. However, what the City of Beaverton and Washington County have agreed to, was not always what Metro would like to see.

Mr. Niehuser asked if non-residents of the City of Beaverton would be able to affect this process at all. Chairman Maks responded that everyone was welcome to be a part of the process whether in the City of Beaverton or Washington County. As a Planning Commissioner, all issues surrounding a piece of property were looked at, no matter where they were or where they came from. Mr. Niehuser asked how he would become a part of that process. Chairman Maks explained that in the City of Beaverton, if a parcel adjacent or close to him was going to be developed or he was within 500 feet, he would be notified. In conferring with Mr. Irish Bunnell, Development Services Manager, Mr. Bunnell clarified the notification procedure. The City was required to mail notice of the proposal to property owners within 500 feet. That notice was placed in the newspaper, the Beaverton Times, sometimes the Oregonian. Also, the notice is posted in the City Hall, the library, post office and on the property itself. Any property owner within 500 feet, within the City of Beaverton or not, would receive notice.

Mr. Niehuser asked if this entire Board was the Planning Council for the City of Beaverton. Chairman Maks stated they were the Planning Commission. Mr. Niehuser asked Chairman Maks to state the Commission's mission. Chairman Maks responded that the Commission reviews anything (his own definition) that would be substantive change, such as a rezone which he defined. They also review long-range planning. The City Attorney stated it was appropriate to have a citizen body review those decisions of rezoning.

Commissioner Voytilla added that Beaverton had NPOs, Neighborhood Planning Organization, corrected to NAC's, Neighborhood Association Committees. The CPO was the equivalent in the County. It was a process where he could go and attend meetings, find out what was going on. The CPOs and NAC's receive notifications of the proposed actions on land use issues that would be coming forward from this body, Washington County, the Board of Design Review. It would be important to get on their mailing list. The County could tell you what CPO you would be in. Chairman Maks stated that included in the property tax bill, there was notification of the CPOs and what they do.

Mr. Niehuser asked what specific area of government would he contact regarding the CPO. Chairman Maks answered probably Washington County Extension Service. The CPO was a good source of information.

Mr. Niehuser, in closing, stated that there was a true need for balance, especially in green spaces, parks. Hopefully, to the extent you can, that the Commission can continue to recognize that. He also thanked Mr. Voytilla for the suggestion of seeking out a CPO.

Chairman Maks asked if there was any additional public testimony; any more comments for staff. He apologized for the confusion to the Washington County residents. The annexed parcels were welcomed into the City of Beaverton, particularly for the sake of public safety. He once again encouraged the audience to get involved, there were a number of things going on.

Commissioner Wolch stated he too was in support of the application and would echo many of the comments made. He added that in future staff reports, it would be helpful to know what started the process with regard to the annexation. He would support a motion to approve.

Commissioner Voytilla would also support a motion to approve and commented that he was very impressed with the audience being there and participating. It was very encouraging.

Commissioner Kirby stated the application did meet the applicable criteria of Ordinance 1800 as well as 20.50; he supported, and thanked the public as well for coming out.

Commissioner Dunham also applauded the audience for coming out, it was a great overview of the process and encouraged CPO participation. She was in support of the application.

Commissioner Wolch MOVED and Commissioner Kirby SECONDED a motion to approve CPA99-00004 TRI-MET R.O.W. REZONE, based on the facts and findings in the staff report dated July 30, 1999.

The question was called and the motion CARRIED unanimously.

Commissioner Wolch MOVED and Commissioner Voytilla SECONDED a motion to approve RZ99-00004 TRI-MET R.O.W. REZONE, based on the facts and findings in the staff report dated July 30, 1999.

The question was called and the motion CARRIED unanimously.

B. CPA99-00011/RZ99-00007 -HOME DEPOT/PUBLIC REZONE

This proposal is to reassign Washington County's planning designations to City Comprehensive and Zoning designations for fifteen newly annexed properties located to the north of the Beaverton City limit near Highway 26 where the sites are located. The sites are within various County zones and are approximately 78 acres in size. Map & Tax Lots include:

1N1290002400, 1N129CC00401, 1N130DC01300, 1N132DD00100, 1N133BB06900, 1N133BC01300, 1N133BD09200, 1N133BD09300, 1N133CA00900, 1N133CA01000, 1N133CB00100, 1N133CC00500, 1N133CD00101, 1N132DD02800, 1N133DC01400

Chairman Maks addressed CPA99-00011/RZ99-00007 HOME DEPOT/PUBLIC REZONE and asked if there was anything to add.

Mr. Salvon stated that in allowing the UPAA to prevail, the use of land will stay in compliance with its zoning.

There were no questions of staff. There was no public testimony. The property owner requested this annexation process.

Chairman Maks closed that portion of the public hearing.

Commissioner Kirby MOVED and Commissioner Voytilla SECONDED a motion to approve CPA99-00011 HOME DEPOT/PUBLIC REZONE, based on the facts and findings of the staff report dated July 30, 1999.

The question was called and the motion CARRIED unanimously.

Commissioner Kirby MOVED and Commissioner Voytilla SECONDED a motion to approve RZ99-00007 HOME DEPOT/PUBLIC REZONE, based on the facts and findings in the staff report dated July 30, 1999.

The question was called and the motion CARRIED unanimously.

MISCELLANEOUS BUSINESS

Mr. Bunnell went over scheduling for future meetings.

ADJOURNMENT at 8:10 p.m.